

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:06CR50
)	
v.)	
)	ORDER
RUDOLPH GEORGE STANKO,)	
)	
Defendant.)	
_____)	

Before the court are Filing No. 92, motion to recuse and for a hearing; Filing No. 93, motion to issue subpoenas; and Filing No. 94, motion to enforce order.

Defendant asks this court to recuse itself, Filing No. 92. In defendant's declaration, he lists a number of reasons for the recusal request, most of which relate to rulings by the court in *United States v. Stanko*, 8:05CR93, and in the case currently before the court. The court has reviewed the motion and declaration and determines that no grounds exist for recusal under 28 U.S.C. § 455(a). Accordingly, this motion will be denied.

Defendant next asks this court to issue subpoenas. Filing No. 93. This is the second or third time the defendant has asked for subpoenas in this case. The court finds a hearing is appropriate in this regard. The court will conduct a hearing with both the government and the defendant present to determine what subpoenas will be issued in this case. Defendant is instructed that at the hearing he will be required to provide the court with the names, addresses, titles and relevancy of those witnesses and/or documents he wishes to subpoena for trial.

The defendant contends that during a hearing on August 3, 2006, the court agreed to order the United States Marshal's Office to arrange for twenty hours a week of library

time, return of files, and return of law books. Filing No. 94. This representation is not accurate. The court agreed to check with the Marshal's Office regarding these concerns. The court is investigating this matter and denies this motion as moot.

IT IS ORDERED:

1. That defendant's motion, Filing No. 92 for recusal and for a hearing is denied.
2. Defendant's motion to issue subpoenas, Filing No. 93, is set for hearing before the undersigned on **September 6, 2006, at 1:30 p.m.**, Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. Defendant's motion to enforce order, Filing No. 94, is denied.

DATED this 15th day of August, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
Chief Judge